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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,145	09/27/2000	Thomas E. Saulpaugh	5181-67300	6194

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Robert C Kowert  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

EXAMINER
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STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/672,145

**Applicant(s)**

SAULPAUGH ET AL.

**Examiner**

Aaron Strange

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-58 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 6-10, 29-33 and 60-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12062004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 12/6/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 59-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "carrier medium" claimed in claims 59-68 is not limited to a tangible physical medium. For example, the specification states that the carrier medium may include "transmission media or signals such as electrical, electromagnetic, or digital signals, conveyed via a communication medium such as a

network and/or wireless link". Since the instructions are not necessarily tangibly embodied on a computer readable medium, the claims are merely a manipulation of abstract ideas.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 11-17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al. (US 6,453,362) in view of Winer ("XML-RPC for Newbies).

6. With regard to claim 1, Bittinger discloses a method for remotely invoking methods in a distributed computing environment, comprising a client generating a message, wherein the message includes information representing a computer programming language method call (request to start an application)(Col 7, Lines 27-30), and wherein the message further includes a credential (client address and ticket key)(Col 7, Lines 32-40 and Fig 3, 28) for allowing the client access to a service configured to perform functions on behalf of clients in the distributed computing environment (ticket identifier and client address are used to execute the command to start the application) (Col 7, Lines 32-36); the client sending the message to the service

(Col 7, Lines 27-30); the service examining the credential included in the message (credentials are used to execute the request)(Col 7, Lines 32-36), if said examining determines the credential is authentic, the service performing a function on behalf of the client in accordance with the information representing the computer programming language method call included in the message (start the application)(Col 7, Lines 32-36), if it determines the credential is not authentic, the service not performing the function on behalf of the client (if validation does not occur, no operation is performed). Bittinger fails to specifically disclose that the message is in a data representation language.

Winer teaches using a well-known data representation language (XML) to represent remote procedure calls. This would have been an advantageous addition to the system disclosed by Bittinger since XML is a well-known and easy to use language that makes cross platform procedure calls easy .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML for the messages in the system disclosed by Bittinger since it would have provided.

7. In regards to claim 2, Bittenger discloses the client comprises a client method gate configured to provide an interface to the service by generating data representation language messages including information representing method calls, and wherein said generating a message is performed by the client method gate (after receiving validation, the ticket acts as a gate to generate messages, col 7 lines 50-57).

8. In regards to claim 3, Bittenger discloses the sending the message is performed by the client method gate (the ticket is used in the creation of a server stub which is used to send messages and requests, col 7 lines 55-57).

9. In regards to claim 4, Bittenger discloses the client further comprises a client process, the method further comprising:

- The client process generating the computer programming language method call (ticket generates a method call, col 7 lines 50-57).
- The client method gate receiving the method call generated by the client process (The server stub responds to the method call, col 7 lines 50-57).
- Wherein said generating a message is performed in response to said receiving the method call (The server stub creates requests for the application, col 7 lines 55-57).

10. In regards to claim 5, Bittenger discloses the client further comprises a client message endpoint, wherein said sending the message to the service comprises:

- The client method gate sending the message to the client message endpoint, wherein the client message endpoint is configured to send messages in the data representation language to the service (The client ticket acts as a gate sending the message to the server stub, col 7 lines 50-57).

- The client message endpoint attaching the credential to the message (tStamp is an identifier used on all messages, col 7 lines 1-5).
- The client message endpoint sending the message to the service (the server stub sends the request to the server, col 7 lines 55-57).

11. In regards to claim 11, Bittenger discloses the service comprises a service message endpoint configured to receive messages in the data representation language from the client, wherein said performing a function comprises the service message endpoint receiving the message from the client (the server stub, originally sent to the client, is re-generated by the client to act as an endpoint, col 7 lines 32-57).

12. In regards to claim 12, Bittenger discloses the service comprises one or more computer programming language methods executable within the service, wherein said performing a function comprises executing a computer programming language method of the service in accordance with the information representing the computer programming language method call included in the message (the server receives the message call which is a request of functions to be performed, col 8 lines 29-45).

13. In regards to claim 13, Bittenger discloses the service comprises one or more computer programming language methods executable within the service, wherein the information representing the computer programming language method call includes an identifier of the method call, and wherein said performing a function comprises:

- Regenerating the method call in accordance with the identifier of the method call included in the information representing the method call (the ticket uses a server stub and tStamp as an identifier to represent the method call, col 7 lines 1-9)
- Executing a computer programming language method of the service in accordance with the regenerated method call (the server stub passes the message call to the server for execution, col 7 lines 27-49).

14. In regards to claim 14, Bittenger discloses the information representing the computer programming language method call further includes one or more parameter values of the method call, and wherein said executing a computer programming language method in accordance with the regenerated method call comprises providing the one or more parameter values from the information representing the method call as parameter values of the method call (The server stub acts a set of parameters followed when requesting data, col 7 lines 41-57).

15. In regards to claim 15, Bittenger discloses the service further comprises a service method gate configured to provide an interface to the one or more computer programming language methods of the service by receiving data representation language messages and invoking computer programming language methods specified by the messages, and wherein said regenerating the method call is performed by the service method gate (server stub is used as a gate to provide an interface to one or more computer programming language methods, col 7 lines 41-57).



16. In regards to claim 16, Bittenger discloses performing a function generates results data, the method further comprising the service providing the generated results data to the client (the requests are used to create a custom process that will provide generated results to the client, col 8 lines 32-45).

17. In regards to claim 17, Bittenger discloses performing a function generates results data, and wherein the service comprises a service message endpoint configured to send messages in the data representation language to the client for the service, the method further comprising:

- The service message endpoint sending a results message to the client, wherein the results message includes the generated results data (the requests are used to create a custom process that will provide generated results to the client, col 8 lines 32-45).

18. In regards to claim 22, Bittenger discloses the computer programming language is the Java programming language, and wherein the information representing the method call in the message represents a Java method call to a Java method implemented on the service, and wherein the service performing a function comprises invoking the Java method on the service in accordance with the information representing the Java method call included in the message (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

19. In regards to claim 23, Bittenger discloses the client is executing within a virtual machine, wherein the virtual machine is executing within a client device in the distributed computing environment (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

20. In regards to claim 24, Bittenger discloses the virtual machine is a Java Virtual Machine (JVM) (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

21. Claims 18-20, 38-40, 47, 53, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittenger in view of Leach et al. (US Patent Number 6108715).

22. The rejections of claims 18-20-38-40, 47, 53, and 66, presented in the Office action of 7/1/2004, are maintained.

23. Claims 21, 41, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittenger in view of the Instaweb Online Computing Dictionary (Instaweb, <http://www.instantweb.com/foldoc/foldoc.cgi?query=XML>)

24. The rejections of claims 21, 41, and 67, presented in the Office action of 7/1/2004, are maintained.

25. Claims 25-28, 34-37, and 38-44 are rejected for the reasons cited for claims 1-5, 13-16, and 18-24, respectively, since they recite substantially identical subject matter.

26. Claims 45, 46, 47, and 48 are rejected for the reasons cited for claims 1,6,18, and 22, respectively, since they recite substantially identical subject matter.

27. Claims 49, 50, 51, 52,53, and 54 are rejected for the reasons cited for claims 1, 4, 23, 24, and 18, respectively, since they recite substantially identical subject matter.

28. Claims 59-68 are rejected for the reasons cited for claims 1,6,7,10,13,14,15,18,21, and 22, respectively, since they recite substantially identical subject matter.

***Allowable Subject Matter***

29. Claims 55-58 allowed.

30. Claims 6-10, 29-33, 60-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

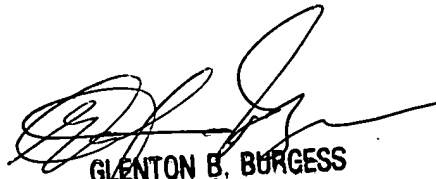
**Conclusion**

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS 3/21/2005

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100